

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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GEORGE PHILIPS,

Petitioner,

-against-

WILLIAM BROWN,

Respondent.

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x

*Appearances:*

*For the Petitioner:*

HERALD PRICE FAHRINGER, ESQ.

ERICA DUBNO, ESQ.

Fahringer & Dubno

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New York, NY 10022

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Eastern Correctional Facility

P.O. Box 338

Napanoch, NY 12458-0338

**MEMORANDUM**

Case No. 08-CV-2625

Case No. 08-CV-2626

*For the Respondent:*

RICHARD BROWN, ESQ.

Queens County District Attorney

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By: JOHN CASTELLANO, ESQ.

KAREN WEISS, ESQ.

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Nassau County District Attorney

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Mineola, New York 11501

By: JASON WEINSTEIN, ESQ.

MARGARET MAINSUCH, ESQ.

Assistant District Attorneys

**BLOCK, Senior District Judge:**

On May 23, 2011, the Court denied George Philips's petitions for writs of *habeas corpus* pursuant to 22 U.S.C. § 2254. It did not issue a certificate of appealability because Philips did not make a substantial showing of the denial of a constitutional right. See 28 U.S.C. § 2253(c).

On January 23, 2012, the Court denied Philips's *pro se* motion for reconsideration pursuant to Federal Rules of Civil Procedure 59(e) and 60(b). Although Philips did not request a certificate of appealability in connection with his motion, the Second Circuit Clerk's Office has asked the Court to consider whether to issue one *sua sponte*.

Having carefully reviewed the disposition of Philips's motion, the Court concludes that the motion did not make a substantial showing of the denial of a constitutional right. Accordingly, a certificate of appealability will not issue.

Brooklyn, New York  
April 19, 2012

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FREDERIC BLOCK  
Senior United States District Judge